

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3302/2ins  
GMM.....

(INSERT 4-9)

1           **SECTION 1.** 48.396<sup>X</sup> (2) (e) of the statutes is created to read:

2           48.396 (2) (e) Upon request of a court of criminal jurisdiction<sup>✓</sup> to review court

3 records for the purpose of conducting or preparing for a proceeding in that court or

4 upon request of a district attorney<sup>✓</sup> to review court records for the purpose of

5 performing his or her official duties in a proceeding in a court of criminal jurisdiction,

6 the court assigned to exercise jurisdiction under this chapter<sup>✓</sup> and ch. 938<sup>✓</sup> shall open

7 for inspection by authorized representatives of the requester the records of the court

8 relating to any child <sup>who has</sup> ~~has~~ been the subject of a proceeding under this chapter.<sup>✓</sup>

(END OF INSERT)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3302/2dn

GMM:.....

date

jd

Representative Richards: ✓

This redraft makes all of the following changes to the ✓ /1 version of the draft:

1. Requires, rather than permits ✓, the juvenile court to transfer its electronic records as provided under the draft.

2. Requires records relating to a proceeding under ch. 48, i.e., a child in need ✓ of protection or services or termination of parental rights proceeding, to be transferred to a court of criminal jurisdiction and to a district attorney prosecuting a criminal case. ✓  
The prior draft only permitted records relating to a proceeding under ch. 938, i.e., a delinquency proceeding, to be so transferred.

3. Eliminates a requirement that the director of state courts specify what types of information may be transferred under the draft. ✓

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: gordon.malaise@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3302/2dn  
GMM:jld:jf

October 27, 2011

Representative Richards:

This redraft makes all of the following changes to the /1 version of the draft:

1. Requires, rather than permits, the juvenile court to transfer its electronic records as provided under the draft.
2. Requires records relating to a proceeding under ch. 48, *i.e.*, a child in need of protection or services or termination of parental rights proceeding, to be transferred to a court of criminal jurisdiction and to a district attorney prosecuting a criminal case. The prior draft only permitted records relating to a proceeding under ch. 938, *i.e.*, a delinquency proceeding, to be so transferred.
3. Eliminates a requirement that the director of state courts specify what types of information may be transferred under the draft.

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## **Malaise, Gordon**

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**From:** Moran, Christian  
**Sent:** Tuesday, November 22, 2011 4:24 PM  
**To:** Malaise, Gordon  
**Subject:** redraft of LRB-3302/2 (juv records) and status check on serious juvenile offender draft

Gordon,

1. Please amend LRB-3302/2 on page 9, lines 4-13, to allow access only to "authorized representatives of the law enforcement agency." The intent of this change is to increase confidentiality of these records by only allowing access to certain authorized law enforcement officials—instead of everyone on the force. Is it possible to get the /3 by tomorrow or Monday, Nov. 28? Can you also add a brief d-note explaining the change?
2. On Nov. 14 we requested a bill to add Reckless Injury and Recklessly Endangering Safety to the crimes listed under 938.34(4h)(a) that make certain juveniles eligible for placement in the Serious Juvenile Offender Program (938.538). For our planning purposes, do you know when we might expect to see that draft?

Thanks for your help.

-Christian

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Christian T. Moran  
Office of Representative Jon Richards  
State Capitol, 118 North  
Madison, WI 53708  
608-266-0650

## Malaise, Gordon

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**From:** Malaise, Gordon  
**Sent:** Tuesday, November 22, 2011 4:51 PM  
**To:** Moran, Christian  
**Cc:** Gallagher, Michael  
**Subject:** RE: redraft of LRB-3302/2 (juv records) and status check on serious juvenile offender draft

Christian:

I referred the SJOP draft to one of our new attorneys, Mike Gallagher, who is taking over from me the subject area of Juvenile Justice. Mike is out of the office this week, but will be back next Wednesday, November 30.

I can get the redraft of -3302 to you by Monday. I see that "authorized representatives of the requester" must have been an inadvertent omission from s. 938.396 (2g) (c) because every other exception under s. 938.396 (2g) contains that proviso.

Gordon

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**From:** Moran, Christian  
**Sent:** Tuesday, November 22, 2011 4:24 PM  
**To:** Malaise, Gordon  
**Subject:** redraft of LRB-3302/2 (juv records) and status check on serious juvenile offender draft

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Thanks for your help.

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Christian T. Moran  
Office of Representative Jon Richards  
State Capitol, 118 North  
Madison, WI 53708  
608-266-0650



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3302/2  
GMM:jld:jf

(3)  
RME

IN 11/23  
Mon 11/28  
SMM

2011 BILL

NOTE

X

Regen

1 AN ACT *to renumber and amend* 48.396 (3) (c) 1.; *to amend* 48.396 (1), 48.396  
2 (2) (a), 48.396 (3) (b), 48.396 (3) (c) 2., 48.396 (3) (c) 3., 48.396 (3) (d), 48.47 (7g),  
3 48.78 (2) (a), 48.78 (2) (h), 938.396 (1) (a), 938.396 (2), 938.396 (2g) (c), 938.396  
4 (2g) (d), 938.78 (2) (a) and 938.78 (2) (h); and *to create* 48.396 (2) (e), 48.396 (3)  
5 (c) 1g., 48.396 (3) (c) 1m. and 938.396 (2m) of the statutes; **relating to:** the  
6 disclosure of electronic juvenile court records to other juvenile courts,  
7 municipal courts, courts of criminal jurisdiction, district attorneys and other  
8 prosecutors, and law enforcement agencies and providing a penalty.

***Analysis by the Legislative Reference Bureau***

Under current law, the director of state courts has established an automated information system, known as the Consolidated Court Automation Programs (CCAP), that contains information about cases filed in the circuit courts in this state, including cases filed in the courts assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile courts).

Records of the juvenile court, however, are confidential and may not be opened to inspection, nor may their contents be disclosed, except under certain statutory exceptions or by an order of the juvenile court. Currently, those exceptions include an exception that requires a juvenile court to disclose its records relating to a

**BILL**

proceeding under the Children's Code (generally, a child in need of protection services or a termination of parental rights proceeding) or the Juvenile Justice Code (generally, a delinquency, civil law or ordinance violation, or a juvenile in need of protection or services proceeding) on the request of any other juvenile court, a municipal court, or a district attorney, corporation counsel, or city, village, or town attorney (prosecutor) to review juvenile court records for the purpose of any proceeding in that court. In addition, current law requires the juvenile court to disclose its records relating to a proceeding under the Juvenile Justice Code on the request of a court of criminal jurisdiction or a district attorney to review those records for the purpose of setting bail or impeaching a witness or on the request of a law enforcement agency to review those records for the purpose of investigating alleged criminal gang activity.

This bill requires the juvenile court to transfer information relating to proceedings under the Children's Code or the Juvenile Justice Code that is contained in the electronic records of the juvenile court to any other juvenile court, a municipal court, a court of criminal jurisdiction, or a prosecutor of a case in any of those courts. The bill also permits the juvenile court to transfer information relating to proceedings under the Juvenile Justice Code that is contained in the electronic records of the juvenile court to a law enforcement agency. A person to whom information is transferred under the bill must keep that information confidential and may use or allow access to that information only as follows:

1. In the case of a juvenile court, municipal court, or court of criminal jurisdiction or an individual who is allowed access to that information by such a court, only for the purpose of conducting or preparing for a proceeding in that court.

2. In the case of a prosecutor or an individual who is allowed access to that information by a prosecutor, only for the purpose of performing the prosecutor's official duties relating to a proceeding in a juvenile court, municipal court, or court of criminal jurisdiction.

3. In the case of a law enforcement agency or an individual who is allowed access to that information by a law enforcement agency, only for the purpose of investigating any alleged criminal activity or any activity that may result in a court exercising jurisdiction under the Children's Code or the Juvenile Justice Code.

The bill permits the director of state courts to use CCAP to facilitate the transfer of electronic records under the bill, and provides for a forfeiture of not more than \$5,000 for any person who intentionally discloses information in violation of the bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 48.396 (1) of the statutes is amended to read:

**BILL**

1           48.396 (1) Law enforcement officers' records of children shall be kept separate  
2       from records of adults. Law enforcement officers' records of the adult expectant  
3       mothers of unborn children shall be kept separate from records of other adults. Law  
4       enforcement officers' records of children and the adult expectant mothers of unborn  
5       children shall not be open to inspection or their contents disclosed except under sub.  
6       (1b), (1d), (5), or (6) or s. 48.293 or 938.396 (2m) (c) 1p. or by order of the court. This  
7       subsection does not apply to the representatives of newspapers or other reporters of  
8       news who wish to obtain information for the purpose of reporting news without  
9       revealing the identity of the child or adult expectant mother involved, to the  
10      confidential exchange of information between the police and officials of the public or  
11      private school attended by the child or other law enforcement or social welfare  
12      agencies, or to children 10 years of age or older who are subject to the jurisdiction of  
13      the court of criminal jurisdiction. A public school official who obtains information  
14      under this subsection shall keep the information confidential as required under s.  
15      118.125, and a private school official who obtains information under this subsection  
16      shall keep the information confidential in the same manner as is required of a public  
17      school official under s. 118.125. This subsection does not apply to the confidential  
18      exchange of information between the police and officials of the tribal school attended  
19      by the child if the police determine that enforceable protections are provided by a  
20      tribal school policy or tribal law that requires tribal school officials to keep the  
21      information confidential in a manner at least as stringent as is required of a public  
22      school official under s. 118.125. A law enforcement agency that obtains information  
23      under this subsection shall keep the information confidential as required under this  
24      subsection and s. 938.396 (1) (a). A social welfare agency that obtains information



**BILL****SECTION 1**

1 under this subsection shall keep the information confidential as required under ss.  
2 48.78 and 938.78.

3 **SECTION 2.** 48.396 (2) (a) of the statutes is amended to read:

4 48.396 (2) (a) Records of the court assigned to exercise jurisdiction under this  
5 chapter and ch. 938 and of courts exercising jurisdiction under s. 48.16 shall be  
6 entered in books or deposited in files kept for that purpose only. ~~They~~ Those records  
7 shall not be open to inspection or their contents disclosed except by order of the court  
8 assigned to exercise jurisdiction under this chapter and ch. 938 or as required or  
9 permitted under this subsection, sub. (3) (b) or (c) 1. 1g., 1m., or 1r. or (6), or s. 48.375  
10 (7) (e).

11 **SECTION 3.** 48.396 (2) (e) of the statutes is created to read:

12 48.396 (2) (e) Upon request of a court of criminal jurisdiction to review court  
13 records for the purpose of conducting or preparing for a proceeding in that court or  
14 upon request of a district attorney to review court records for the purpose of  
15 performing his or her official duties in a proceeding in a court of criminal jurisdiction,  
16 the court assigned to exercise jurisdiction under this chapter and ch. 938 shall open  
17 for inspection by authorized representatives of the requester the records of the court  
18 relating to any child who has been the subject of a proceeding under this chapter.

19 **SECTION 4.** 48.396 (3) (b) of the statutes is amended to read:

20 48.396 (3) (b) The court ~~may shall~~ transfer ~~to the department~~ information  
21 relating to proceedings under this chapter that is contained in the electronic records  
22 of the court to any other court assigned to exercise jurisdiction under this chapter and  
23 ch. 938, a municipal court exercising jurisdiction under s. 938.17 (2), a court of  
24 criminal jurisdiction, a person representing the interests of the public under s. 48.09  
25 or 938.09, a district attorney prosecuting a criminal case, or the department,

**BILL**

1 regardless of whether that other court, municipal court, or person or the department  
2 is a party to or is otherwise involved in the proceedings in which the electronic  
3 records containing that information were created, ~~and the.~~ The director of state  
4 courts may use the circuit court automated information systems established under  
5 s. 758.19 (4) to facilitate the transfer of electronic records under this paragraph.

6 (bm) The department may transfer to the court information contained in the  
7 electronic records of the department that are maintained in the statewide automated  
8 child welfare information system under s. 48.47 (7g). The director of state courts may  
9 use the circuit court automated information systems established under s. 758.19 (4)  
10 to facilitate the transfer of those electronic records ~~between~~ from the department to  
11 the court and the department. The director of state courts and the department shall  
12 specify what types of information may be transferred from the department to the  
13 court under this paragraph and from the court to the department under par. (b).

14 **SECTION 5.** 48.396 (3) (c) 1. of the statutes is renumbered 48.396 (3) (c) 1r. and  
15 amended to read:

16 48.396 (3) (c) 1r. The department ~~may allow access to~~ shall keep any  
17 information transferred to the department under par. (b) confidential and may use  
18 or allow access to that information only for the purpose of providing services under  
19 s. 48.06, 48.067, 48.069, 938.06, 938,067 938.067, or 938.069. The department may  
20 allow that access regardless of whether the person who is allowed that access is a  
21 party to or is otherwise involved in the proceedings in which the electronic records  
22 containing that information were created.

23 **SECTION 6.** 48.396 (3) (c) 1g. of the statutes is created to read:

24 48.396 (3) (c) 1g. A court assigned to exercise jurisdiction under this chapter  
25 and ch. 938, a municipal court exercising jurisdiction under s. 938.17 (2), or a court

**BILL**

1 of criminal jurisdiction shall keep any information transferred to that court under  
2 par. (b) confidential and may use or allow access to that information only for the  
3 purpose of conducting or preparing for a proceeding in that court. That court may  
4 allow that access regardless of whether the person who is allowed that access is a  
5 party to or is otherwise involved in the proceedings in which the electronic records  
6 containing that information were created.

7 **SECTION 7.** 48.396 (3) (c) 1m. of the statutes is created to read:

8 48.396 (3) (c) 1m. A person representing the interests of the public under s.  
9 48.09 or 938.09 or a district attorney prosecuting a criminal case shall keep any  
10 information transferred to that person under par. (b) confidential and may use or  
11 allow access to that information only for the purpose of performing his or her official  
12 duties relating to a proceeding in a court assigned to exercise jurisdiction under this  
13 chapter and ch. 938 or a municipal court. That person may allow that access  
14 regardless of whether the person who is allowed that access is a party to or is  
15 otherwise involved in the proceedings in which the electronic records containing that  
16 information were created.

17 **SECTION 8.** 48.396 (3) (c) 2. of the statutes is amended to read:

18 48.396 (3) (c) 2. The court or the director of state courts may allow access to any  
19 information transferred to the court under par. (b) (bm) only to the extent that the  
20 information may be disclosed under this chapter or ch. 938.

21 **SECTION 9.** 48.396 (3) (c) 3. of the statutes is amended to read:

22 48.396 (3) (c) 3. ~~The department, a court, the director of state courts, and any~~  
23 An individual who is allowed under subd. 1g., 1m., 1r., or 2. to have access to any  
24 information transferred under par. (b) or (bm) shall keep the information  
25 confidential and may use and further disclose the information only for the purpose

**BILL**

1 purposes described in subd. 1. 1g., 1m., or 1r. or to the extent permitted under subd.  
2 2.

3 **SECTION 10.** 48.396 (3) (d) of the statutes is amended to read:

4 48.396 (3) (d) Any person who intentionally uses or discloses information in  
5 violation of par. (c) may be required to forfeit not more than \$5,000.

6 **SECTION 11.** 48.47 (7g) of the statutes is amended to read:

7 48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish  
8 a statewide automated child welfare information system. Notwithstanding ss.  
9 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30,  
10 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and  
11 (2), and 938.78 (2) (a), the department may enter the content of any record kept or  
12 information received by the department into the statewide automated child welfare  
13 information system, and a county department under s. 46.215, 46.22, or 46.23, the  
14 department, or any other organization that has entered into an information sharing  
15 and access agreement with the department or any of those county departments and  
16 that has been approved for access to the statewide automated child welfare  
17 information system by the department may have access to information that is  
18 maintained in that system, if necessary to enable the county department,  
19 department, or organization to perform its duties under this chapter, ch. 46, 51, 55,  
20 or 938, or 42 USC 670 to 679b or to coordinate the delivery of services under this  
21 chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to 679b. The department may also  
22 transfer information that is maintained in the system to a court under s. 48.396 (3)  
23 ~~(b)~~ (bm), and the court and the director of state courts may allow access to that  
24 information as provided in s. 48.396 (3) (c) 2.

25 **SECTION 12.** 48.78 (2) (a) of the statutes is amended to read:

**BILL****SECTION 12**

1           48.78 (2) (a) No agency may make available for inspection or disclose the  
2 contents of any record kept or information received about an individual who is or was  
3 in its care or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or  
4 (5m) (d), 48.396 (3) ~~(b)~~ (bm) or (c) ~~1.~~ 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m),  
5 48.93, 48.981 (7), 938.396 (2m) (c) 1r., 938.51, or 938.78 or by order of the court.

6           **SECTION 13.** 48.78 (2) (h) of the statutes is amended to read:

7           48.78 (2) (h) Paragraph (a) does not prohibit the department, a county  
8 department, or a licensed child welfare agency from entering the content of any  
9 record kept or information received by the department, county department, or  
10 licensed child welfare agency into the statewide automated child welfare  
11 information system established under s. 48.47 (7g) or the department from  
12 transferring any information maintained in that system to the court under s. 48.396  
13 (3) ~~(b)~~ (bm). If the department transfers that information to the court, the court and  
14 the director of state courts may allow access to that information as provided in s.  
15 48.396 (3) (c) 2.

16           **SECTION 14.** 938.396 (1) (a) of the statutes is amended to read:

17           938.396 (1) (a) *Confidentiality.* Law enforcement agency records of juveniles  
18 shall be kept separate from records of adults. Law enforcement agency records of  
19 juveniles may not be open to inspection or their contents disclosed except under par.  
20 (b) or (c), sub. (1j), (2m) (c) 1p., or (10), or s. 938.293 or by order of the court.

21           **SECTION 15.** 938.396 (2) of the statutes is amended to read:

22           938.396 (2) COURT RECORDS; CONFIDENTIALITY. Records of the court assigned to  
23 exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising  
24 jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for  
25 that purpose only. Those records shall not be open to inspection or their contents

BILL

, the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by authorized representatives of the requester the records of the court relating to any juvenile who has been th

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disclosed except by order of the court assigned to exercise jurisdiction under this chapter and ch. 48 or as required or permitted under sub. (2g), (2m) (b) or (c), or (10) or s. 48.396 (3) (b) or (c) 1.

SECTION 16. 938.396 (2g) (c) of the statutes is amended to read:

938.396 (2g) (c) *Law enforcement agencies.* Upon request of a law enforcement agency to review court records for the purpose of investigating ~~a crime that might constitute criminal gang activity, as defined in s. 941.38 (1) (b), the court shall open for inspection by authorized representatives of the law enforcement agency the records of the court relating to any juvenile who has been found to have committed a delinquent act at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been a felony under chs. 939 to 948 or 961 if committed by an adult~~ alleged criminal activity or activity that may result in a court exercising jurisdiction under this chapter or ch. 48.

SECTION 17. 938.396 (2g) (d) of the statutes is amended to read:

938.396 (2g) (d) ~~*Bail; impeachment; firearm possession*~~ *Criminal and civil proceedings.* Upon request of a court of criminal jurisdiction ~~or a district attorney to review court records for the purpose of setting bail under ch. 969, impeaching a witness under s. 906.09, or investigating and determining whether a person has possessed a firearm in violation of s. 941.29 (2) or body armor in violation of s. 941.291~~ (2) to review court records for the purpose of conducting or preparing for a proceeding in that court, upon request of a district attorney to review court records for the purpose of performing his or her official duties in a proceeding in a court of criminal jurisdiction, or upon request of a court of civil jurisdiction or the attorney for a party to a proceeding in that court to review court records for the purpose of impeaching a witness under s. 906.09, the court assigned to exercise jurisdiction under this

**BILL****SECTION 17**

1 chapter and ch. 48 shall open for inspection by authorized representatives of the  
2 requester the records of the court relating to any juvenile who has been the subject  
3 of a proceeding under this chapter.

4 **SECTION 18.** 938.396 (2m) of the statutes is created to read:

5 938.396 (2m) ELECTRONIC COURT RECORDS. (a) In this subsection, "court" means  
6 the court assigned to exercise jurisdiction under this chapter and ch. 48.

7 (b) The court shall transfer information relating to a proceeding under this  
8 chapter that is contained in the electronic records of the court to any other court  
9 assigned to exercise jurisdiction under this chapter and ch. 48, a municipal court  
10 exercising jurisdiction under s. 938.17 (2), a court of criminal jurisdiction, a person  
11 representing the interests of the public under s. 48.09 or 938.09, a district attorney  
12 prosecuting a criminal case, a law enforcement agency, or the department, regardless  
13 of whether that other court, municipal court, person, district attorney, or law  
14 enforcement agency or the department is a party to or is otherwise involved in the  
15 proceedings in which the electronic records containing that information were  
16 created. The director of state courts may use the circuit court automated information  
17 systems established under s. 758.19 (4) to facilitate the transfer of electronic records  
18 under this paragraph.

19 (c) 1g. A court assigned to exercise jurisdiction under this chapter and ch. 48,  
20 a municipal court exercising jurisdiction under s. 938.17 (2), or a court of criminal  
21 jurisdiction shall keep any information transferred to that court under par. (b)  
22 confidential and may use or allow access to that information only for the purpose of  
23 conducting or preparing for a proceeding in that court. That court may allow that  
24 access regardless of whether the person who is allowed that access is a party to or

**BILL**

1 is otherwise involved in the proceedings in which the electronic records containing  
2 that information were created.

3 1m. A person representing the interests of the public under s. 48.09 or 938.09  
4 or a district attorney prosecuting a criminal case shall keep any information  
5 transferred to that person or district attorney under par. (b) confidential and may use  
6 or allow access to that information only for the purpose of performing his or her  
7 official duties relating to a proceeding in a court assigned to exercise jurisdiction  
8 under this chapter and ch. 48, a municipal court, or a court of criminal jurisdiction.  
9 That person or district attorney may allow that access regardless of whether the  
10 person who is allowed that access is a party to or is otherwise involved in the  
11 proceedings in which the electronic records containing that information were  
12 created.

13 1p. A law enforcement agency shall keep any information transferred to the law  
14 enforcement agency under par. (b) confidential and may use or allow access to that  
15 information only for the purpose of investigating alleged criminal activity or activity  
16 that may result in a court exercising jurisdiction under this chapter or ch. 48. A law  
17 enforcement agency may allow that access regardless of whether the person who is  
18 allowed that access is a party to or is otherwise involved in the proceedings in which  
19 the electronic records containing that information were created.

20 1r. The department shall keep any information transferred to the department  
21 under par. (b) confidential and may use or allow access to that information only for  
22 the purpose of providing services under s. 48.06, 48.067, 48.069, 938.06, 938.067, or  
23 938.069. The department may allow that access regardless of whether the person  
24 who is allowed that access is a party to or is otherwise involved in the proceedings  
25 in which the electronic records containing that information were created.



**BILL**

## SECTION 18

2. An individual who is allowed under subd. 1g., 1m., 1p., or 1r. to have access to any information transferred under par. (b) shall keep the information confidential and may use and further disclose the information only for the purpose described in subd. 1g., 1m., 1p., or 1r.

(d) Any person who intentionally uses or discloses information in violation of par. (c) may be required to forfeit not more than \$5,000.

**SECTION 19.** 938.78 (2) (a) of the statutes is amended to read:

938.78 (2) (a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under sub. (3) or s. 48.396 (3) ~~(b)~~ (bm) or (c) ~~1r.~~, 938.371, 938.38 (5) (b) or (d) or (5m) (d), 938.396 (2m) (c) 1r., 938.51, or 938.57 (2m) or by order of the court.

**SECTION 20.** 938.78 (2) (h) of the statutes is amended to read:

938.78 (2) (h) Paragraph (a) does not prohibit the department of children and families, a county department, or a licensed child welfare agency from entering the content of any record kept or information received by that department, county department, or licensed child welfare agency into the statewide automated child welfare information system established under s. 48.47 (7g) or the department of children and families from transferring any information maintained in that system to the court under s. 48.396 (3) (b) (bm). If the department of children and families transfers that information to the court, the court and the director of state courts may allow access to that information as provided in s. 48.396 (3) (c) 2.

**(END)**

↓  
NOTE

NOTE

Representative Richards:

This redraft amends s. 938.396 <sup>2g</sup>(2g)(c) to limit inspection of juvenile court records ~~for the purpose~~ to ~~the~~ authorized representatives of a law enforcement agency for the purpose of investigating alleged ~~the~~ criminal or delinquent activity or activity that might <sup>result</sup> result in a CHIPS or JIPS proceeding. The amendment simply conforms s. 938.396 <sup>2g</sup>(2g)(c) to the other exceptions ~~to~~ to juvenile court record confidentiality found in s. 938.396 <sup>2g</sup>(2g), all of which limit inspection to authorized representatives of the requester.

GMM

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3302/3dn  
GMM:jld:lm

November 28, 2011

Representative Richards:

This redraft amends s. 938.396 (2g) (c) to limit inspection of juvenile court records to *authorized representatives* of a law enforcement agency for the purpose of investigating alleged criminal or delinquent activity or activity that might result in a CHIPS or JIPS proceeding. The amendment simply conforms s. 938.396 (2g) (c) to the other exceptions to juvenile court record confidentiality found in s. 938.396 (2g), all of which limit inspection to authorized representatives of the requester.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: [gordon.malaise@legis.wisconsin.gov](mailto:gordon.malaise@legis.wisconsin.gov)

**Malaise, Gordon**

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**From:** Moran, Christian  
**Sent:** Wednesday, December 07, 2011 10:37 AM  
**To:** Malaise, Gordon  
**Cc:** 'jonrichards\_wi@yahoo.com'; 'Plant, Joel'; 'Perry, Terry'; Pierce, Peter; 'pvornh@milwaukee.gov'  
**Subject:** juvenile records redraft request (LRB-3302/3)  
Gordon,

Could you please redraft LRB-3302/3 to incorporate the suggestion below from Assistant District Attorney Pat Kenney of Milwaukee County. Our intent is to explicitly restrict access to medical or psychological records of children and parents subject to court orders under Chs.938 and 48.

Thanks for your help. Feel free to call if you have any questions.

-Christian

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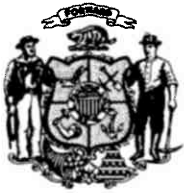
Christian T. Moran  
Office of Representative Jon Richards  
State Capitol, 118 North  
Madison, WI 53708  
608-266-0650

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**From:** Kenney, Pat - DDA [mailto:Pat.Kenney@da.wi.gov]  
**Sent:** Wednesday, December 07, 2011 10:18 AM  
**To:** Moran, Christian  
**Cc:** Sowinski, Mary  
**Subject:** RE: Meeting request from Rep. Jon Richards (juvenile records)

Christian, I think a modification to the proposal in Section 16, 938.396 ( 2g ) ( c ) would work. I would suggest (although I don't claim to be good at drafting the best language) at the end of the paragraph: "except as provided under 938.396 (2g) ( c ) 1. Section 1. would read : " Medical records or mental health evaluations ordered by a court exercising jurisdiction under this chapter and Chapter 48 or filed with the a court exercising jurisdiction under this chapter or Chapter 48 shall not be released to representatives of a law enforcement agency except by order of the court." Thanks again.

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State of Wisconsin  
2011 - 2012 LEGISLATURE

IN 12/13  
Wetzel 12/15

2011 BILL



LRB-3302/3

GMM:jld:imp

4  
RMR

Regen

✓

1 AN ACT *to renumber and amend* 48.396 (3) (c) 1.; *to amend* 48.396 (1), 48.396  
2 (2) (a), 48.396 (3) (b), 48.396 (3) (c) 2., 48.396 (3) (c) 3., 48.396 (3) (d), 48.47 (7g),  
3 48.78 (2) (a), 48.78 (2) (h), 938.396 (1) (a), 938.396 (2), 938.396 (2g) (c), 938.396  
4 (2g) (d), 938.78 (2) (a) and 938.78 (2) (h); and *to create* 48.396 (2) (e), 48.396 (3)  
5 (c) 1g., 48.396 (3) (c) 1m. and 938.396 (2m) of the statutes; **relating to:** the  
6 disclosure of electronic juvenile court records to other juvenile courts,  
7 municipal courts, courts of criminal jurisdiction, district attorneys and other  
8 prosecutors, and law enforcement agencies and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

Under current law, the director of state courts has established an automated information system, known as the Consolidated Court Automation Programs (CCAP), that contains information about cases filed in the circuit courts in this state, including cases filed in the courts assigned to exercise jurisdiction under the Juvenile Justice Code (juvenile courts).

Records of the juvenile court, however, are confidential and may not be opened to inspection, nor may their contents be disclosed, except under certain statutory exceptions or by an order of the juvenile court. Currently, those exceptions include an exception that requires a juvenile court to disclose its records relating to a

**BILL**

proceeding under the Children's Code (generally, a child in need of protection services or a termination of parental rights proceeding) or the Juvenile Justice Code (generally, a delinquency, civil law or ordinance violation, or a juvenile in need of protection or services proceeding) on the request of any other juvenile court, a municipal court, or a district attorney, corporation counsel, or city, village, or town attorney (prosecutor) to review juvenile court records for the purpose of any proceeding in that court. In addition, current law requires the juvenile court to disclose its records relating to a proceeding under the Juvenile Justice Code on the request of a court of criminal jurisdiction or a district attorney to review those records for the purpose of setting bail or impeaching a witness or on the request of a law enforcement agency to review those records for the purpose of investigating alleged criminal gang activity.

This bill requires the juvenile court to transfer information relating to proceedings under the Children's Code or the Juvenile Justice Code that is contained in the electronic records of the juvenile court to any other juvenile court, a municipal court, a court of criminal jurisdiction, or a prosecutor of a case in any of those courts. The bill also permits the juvenile court to transfer information relating to proceedings under the Juvenile Justice Code that is contained in the electronic records of the juvenile court to a law enforcement agency. A person to whom information is transferred under the bill must keep that information confidential and may use or allow access to that information only as follows:

1. In the case of a juvenile court, municipal court, or court of criminal jurisdiction or an individual who is allowed access to that information by such a court, only for the purpose of conducting or preparing for a proceeding in that court.

2. In the case of a prosecutor or an individual who is allowed access to that information by a prosecutor, only for the purpose of performing the prosecutor's official duties relating to a proceeding in a juvenile court, municipal court, or court of criminal jurisdiction.

3. In the case of a law enforcement agency or an individual who is allowed access to that information by a law enforcement agency, only for the purpose of investigating any alleged criminal activity or any activity that may result in a court exercising jurisdiction under the Children's Code or the Juvenile Justice Code.

The bill permits the director of state courts to use CCAP to facilitate the transfer of electronic records under the bill, and provides for a forfeiture of not more than \$5,000 for any person who intentionally discloses information in violation of the bill.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**BILL**

1           48.396 (1) Law enforcement officers' records of children shall be kept separate  
2           from records of adults. Law enforcement officers' records of the adult expectant  
3           mothers of unborn children shall be kept separate from records of other adults. Law  
4           enforcement officers' records of children and the adult expectant mothers of unborn  
5           children shall not be open to inspection or their contents disclosed except under sub.  
6           (1b), (1d), (5), or (6) or s. 48.293 or 938.396 (2m) (c) 1p. or by order of the court. This  
7           subsection does not apply to the representatives of newspapers or other reporters of  
8           news who wish to obtain information for the purpose of reporting news without  
9           revealing the identity of the child or adult expectant mother involved, to the  
10          confidential exchange of information between the police and officials of the public or  
11          private school attended by the child or other law enforcement or social welfare  
12          agencies, or to children 10 years of age or older who are subject to the jurisdiction of  
13          the court of criminal jurisdiction. A public school official who obtains information  
14          under this subsection shall keep the information confidential as required under s.  
15          118.125, and a private school official who obtains information under this subsection  
16          shall keep the information confidential in the same manner as is required of a public  
17          school official under s. 118.125. This subsection does not apply to the confidential  
18          exchange of information between the police and officials of the tribal school attended  
19          by the child if the police determine that enforceable protections are provided by a  
20          tribal school policy or tribal law that requires tribal school officials to keep the  
21          information confidential in a manner at least as stringent as is required of a public  
22          school official under s. 118.125. A law enforcement agency that obtains information  
23          under this subsection shall keep the information confidential as required under this  
24          subsection and s. 938.396 (1) (a). A social welfare agency that obtains information

**BILL****SECTION 1**

1 under this subsection shall keep the information confidential as required under ss.  
2 48.78 and 938.78.

3 **SECTION 2.** 48.396 (2) (a) of the statutes is amended to read:

4 48.396 (2) (a) Records of the court assigned to exercise jurisdiction under this  
5 chapter and ch. 938 and of courts exercising jurisdiction under s. 48.16 shall be  
6 entered in books or deposited in files kept for that purpose only. ~~They~~ Those records  
7 shall not be open to inspection or their contents disclosed except by order of the court  
8 assigned to exercise jurisdiction under this chapter and ch. 938 or as required or  
9 permitted under this subsection, sub. (3) (b) or (c) ~~1. 1g., 1m., or 1r.~~ or (6), or s. 48.375  
10 (7) (e).

11 **SECTION 3.** 48.396 (2) (e) of the statutes is created to read:

12 48.396 (2) (e) Upon request of a court of criminal jurisdiction to review court  
13 records for the purpose of conducting or preparing for a proceeding in that court or  
14 upon request of a district attorney to review court records for the purpose of  
15 performing his or her official duties in a proceeding in a court of criminal jurisdiction,  
16 the court assigned to exercise jurisdiction under this chapter and ch. 938 shall open  
17 for inspection by authorized representatives of the requester the records of the court  
18 relating to any child who has been the subject of a proceeding under this chapter.

19 **SECTION 4.** 48.396 (3) (b) of the statutes is amended to read:

20 48.396 (3) (b) The court ~~may~~ shall transfer ~~to the department~~ information  
21 relating to proceedings under this chapter that is contained in the electronic records  
22 of the court to any other court assigned to exercise jurisdiction under this chapter and  
23 ch. 938, a municipal court exercising jurisdiction under s. 938.17 (2), a court of  
24 criminal jurisdiction, a person representing the interests of the public under s. 48.09  
25 or 938.09, a district attorney prosecuting a criminal case, or the department,



**BILL**

1 regardless of whether that other court, municipal court, or person or the department  
2 is a party to or is otherwise involved in the proceedings in which the electronic  
3 records containing that information were created, ~~and the~~. The director of state  
4 courts may use the circuit court automated information systems established under  
5 s. 758.19 (4) to facilitate the transfer of electronic records under this paragraph.

6 (bm) The department may transfer to the court information contained in the  
7 electronic records of the department that are maintained in the statewide automated  
8 child welfare information system under s. 48.47 (7g). The director of state courts may  
9 use the circuit court automated information systems established under s. 758.19 (4)  
10 to facilitate the transfer of those electronic records ~~between~~ from the department to  
11 the court and the department. The director of state courts and the department shall  
12 specify what types of information may be transferred from the department to the  
13 court under this paragraph and from the court to the department under par. (b).

14 **SECTION 5.** 48.396 (3) (c) 1. of the statutes is renumbered 48.396 (3) (c) 1r. and  
15 amended to read:

16 48.396 (3) (c) 1r. The department ~~may allow access to~~ shall keep any  
17 information transferred to the department under par. (b) confidential and may use  
18 or allow access to that information only for the purpose of providing services under  
19 s. 48.06, 48.067, 48.069, 938.06, ~~938.067~~ 938.067, or 938.069. The department may  
20 allow that access regardless of whether the person who is allowed that access is a  
21 party to or is otherwise involved in the proceedings in which the electronic records  
22 containing that information were created.

23 **SECTION 6.** 48.396 (3) (c) 1g. of the statutes is created to read:

24 48.396 (3) (c) 1g. A court assigned to exercise jurisdiction under this chapter  
25 and ch. 938, a municipal court exercising jurisdiction under s. 938.17 (2), or a court

**BILL****SECTION 6**

1 of criminal jurisdiction shall keep any information transferred to that court under  
2 par. (b) confidential and may use or allow access to that information only for the  
3 purpose of conducting or preparing for a proceeding in that court. That court may  
4 allow that access regardless of whether the person who is allowed that access is a  
5 party to or is otherwise involved in the proceedings in which the electronic records  
6 containing that information were created.

7 **SECTION 7.** 48.396 (3) (c) 1m. of the statutes is created to read:

8 48.396 (3) (c) 1m. A person representing the interests of the public under s.  
9 48.09 or 938.09 or a district attorney prosecuting a criminal case shall keep any  
10 information transferred to that person under par. (b) confidential and may use or  
11 allow access to that information only for the purpose of performing his or her official  
12 duties relating to a proceeding in a court assigned to exercise jurisdiction under this  
13 chapter and ch. 938 or a municipal court. That person may allow that access  
14 regardless of whether the person who is allowed that access is a party to or is  
15 otherwise involved in the proceedings in which the electronic records containing that  
16 information were created.

17 **SECTION 8.** 48.396 (3) (c) 2. of the statutes is amended to read:

18 48.396 (3) (c) 2. The court or the director of state courts may allow access to any  
19 information transferred to the court under par. (b) (bm) only to the extent that the  
20 information may be disclosed under this chapter or ch. 938.

21 **SECTION 9.** 48.396 (3) (c) 3. of the statutes is amended to read:

22 48.396 (3) (c) 3. ~~The department, a court, the director of state courts, and any~~  
23 An individual who is allowed under subd. 1g., 1m., 1r., or 2. to have access to any  
24 information transferred under par. (b) or (bm) shall keep the information  
25 confidential and may use and further disclose the information only for the purpose

**BILL**

1 purposes described in subd. 1. 1g., 1m., or 1r. or to the extent permitted under subd.  
2 2.

3 **SECTION 10.** 48.396 (3) (d) of the statutes is amended to read:

4 48.396 (3) (d) Any person who intentionally uses or discloses information in  
5 violation of par. (c) may be required to forfeit not more than \$5,000.

6 **SECTION 11.** 48.47 (7g) of the statutes is amended to read:

7 48.47 (**7g**) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish  
8 a statewide automated child welfare information system. Notwithstanding ss.  
9 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30,  
10 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and  
11 (2), and 938.78 (2) (a), the department may enter the content of any record kept or  
12 information received by the department into the statewide automated child welfare  
13 information system, and a county department under s. 46.215, 46.22, or 46.23, the  
14 department, or any other organization that has entered into an information sharing  
15 and access agreement with the department or any of those county departments and  
16 that has been approved for access to the statewide automated child welfare  
17 information system by the department may have access to information that is  
18 maintained in that system, if necessary to enable the county department,  
19 department, or organization to perform its duties under this chapter, ch. 46, 51, 55,  
20 or 938, or 42 USC 670 to 679b or to coordinate the delivery of services under this  
21 chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to 679b. The department may also  
22 transfer information that is maintained in the system to a court under s. 48.396 (3)  
23 ~~(b)~~ (**bm**), and the court and the director of state courts may allow access to that  
24 information as provided in s. 48.396 (3) (c) 2.

25 **SECTION 12.** 48.78 (2) (a) of the statutes is amended to read:

**BILL**

1           48.78 (2) (a) No agency may make available for inspection or disclose the  
2 contents of any record kept or information received about an individual who is or was  
3 in its care or legal custody, except as provided under s. 48.371, 48.38 (5) (b) or (d) or  
4 (5m) (d), 48.396 (3) ~~(b)~~ (bm) or (c) ~~1r.~~ 1r., 48.432, 48.433, 48.48 (17) (bm), 48.57 (2m),  
5 48.93, 48.981 (7), 938.396 (2m) (c) 1r., 938.51, or 938.78 or by order of the court.

6           **SECTION 13.** 48.78 (2) (h) of the statutes is amended to read:

7           48.78 (2) (h) Paragraph (a) does not prohibit the department, a county  
8 department, or a licensed child welfare agency from entering the content of any  
9 record kept or information received by the department, county department, or  
10 licensed child welfare agency into the statewide automated child welfare  
11 information system established under s. 48.47 (7g) or the department from  
12 transferring any information maintained in that system to the court under s. 48.396  
13 (3) ~~(b)~~ (bm). If the department transfers that information to the court, the court and  
14 the director of state courts may allow access to that information as provided in s.  
15 48.396 (3) (c) 2.

16           **SECTION 14.** 938.396 (1) (a) of the statutes is amended to read:

17           938.396 (1) (a) *Confidentiality.* Law enforcement agency records of juveniles  
18 shall be kept separate from records of adults. Law enforcement agency records of  
19 juveniles may not be open to inspection or their contents disclosed except under par.  
20 (b) or (c), sub. (1j), (2m) (c) 1p., or (10), or s. 938.293 or by order of the court.

21           **SECTION 15.** 938.396 (2) of the statutes is amended to read:

22           938.396 (2) COURT RECORDS; CONFIDENTIALITY. Records of the court assigned to  
23 exercise jurisdiction under this chapter and ch. 48 and of municipal courts exercising  
24 jurisdiction under s. 938.17 (2) shall be entered in books or deposited in files kept for  
25 that purpose only. Those records shall not be open to inspection or their contents

## BILL

disclosed except by order of the court assigned to exercise jurisdiction under this chapter and ch. 48 or as required or permitted under sub. (2g), (2m) (b) or (c), or (10) or s. 48.396 (3) (b) or (c) 1.

**SECTION 16.** 938.396 (2g) (c) of the statutes is amended to read:

938.396 (2g) (c) *Law enforcement agencies.* Upon request of a law enforcement agency to review court records for the purpose of investigating ~~a crime that might constitute criminal gang activity, as defined in s. 941.38 (1) (b), the court shall open for inspection by authorized representatives of the law enforcement agency the records of the court relating to any juvenile who has been found to have committed a delinquent act at the request of or for the benefit of a criminal gang, as defined in s. 939.22 (9), that would have been a felony under chs. 939 to 948 or 961 if committed by an adult~~ alleged criminal activity or activity that may result in a court exercising jurisdiction under this chapter or ch. 48, the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by authorized representatives of the requester the records of the court relating to any juvenile who has been the subject of a proceeding under this chapter. Insert 9-16 ✓

**SECTION 17.** 938.396 (2g) (d) of the statutes is amended to read:

938.396 (2g) (d) *Bail; impeachment; firearm possession Criminal and civil proceedings.* Upon request of a court of criminal jurisdiction ~~or a district attorney to review court records for the purpose of setting bail under ch. 969, impeaching a witness under s. 906.09, or investigating and determining whether a person has possessed a firearm in violation of s. 941.29 (2) or body armor in violation of s. 941.291~~ (2) to review court records for the purpose of conducting or preparing for a proceeding in that court, upon request of a district attorney to review court records for the purpose of performing his or her official duties in a proceeding in a court of criminal

**BILL**

1 jurisdiction, or upon request of a court of civil jurisdiction or the attorney for a party  
2 to a proceeding in that court to review court records for the purpose of impeaching  
3 a witness under s. 906.09, the court assigned to exercise jurisdiction under this  
4 chapter and ch. 48 shall open for inspection by authorized representatives of the  
5 requester the records of the court relating to any juvenile who has been the subject  
6 of a proceeding under this chapter.

7 **SECTION 18.** 938.396 (2m) of the statutes is created to read:

8 **938.396 (2m) ELECTRONIC COURT RECORDS.** (a) In this subsection, "court" means  
9 the court assigned to exercise jurisdiction under this chapter and ch. 48.

10 (b) The court shall transfer information relating to a proceeding under this  
11 chapter that is contained in the electronic records of the court to any other court  
12 assigned to exercise jurisdiction under this chapter and ch. 48, a municipal court  
13 exercising jurisdiction under s. 938.17 (2), a court of criminal jurisdiction, a person  
14 representing the interests of the public under s. 48.09 or 938.09, a district attorney  
15 prosecuting a criminal case, a law enforcement agency, or the department, regardless  
16 of whether that other court, municipal court, person, district attorney, or law  
17 enforcement agency or the department is a party to or is otherwise involved in the  
18 proceedings in which the electronic records containing that information were  
19 created. The director of state courts may use the circuit court automated information  
20 systems established under s. 758.19 (4) to facilitate the transfer of electronic records  
21 under this paragraph.

22 (c) 1g. A court assigned to exercise jurisdiction under this chapter and ch. 48,  
23 a municipal court exercising jurisdiction under s. 938.17 (2), or a court of criminal  
24 jurisdiction shall keep any information transferred to that court under par. (b)  
25 confidential and may use or allow access to that information only for the purpose of

**BILL**

1 conducting or preparing for a proceeding in that court. That court may allow that  
2 access regardless of whether the person who is allowed that access is a party to or  
3 is otherwise involved in the proceedings in which the electronic records containing  
4 that information were created.

5 1m. A person representing the interests of the public under s. 48.09 or 938.09  
6 or a district attorney prosecuting a criminal case shall keep any information  
7 transferred to that person or district attorney under par. (b) confidential and may use  
8 or allow access to that information only for the purpose of performing his or her  
9 official duties relating to a proceeding in a court assigned to exercise jurisdiction  
10 under this chapter and ch. 48, a municipal court, or a court of criminal jurisdiction.  
11 That person or district attorney may allow that access regardless of whether the  
12 person who is allowed that access is a party to or is otherwise involved in the  
13 proceedings in which the electronic records containing that information were  
14 created.

15 1p. A law enforcement agency shall keep any information transferred to the law  
16 enforcement agency under par. (b) confidential and may use or allow access to that  
17 information only for the purpose of investigating alleged criminal activity or activity  
18 that may result in a court exercising jurisdiction under this chapter or ch. 48. A law  
19 enforcement agency may allow that access regardless of whether the person who is  
20 allowed that access is a party to or is otherwise involved in the proceedings in which  
21 the electronic records containing that information were created.

22 1r. The department shall keep any information transferred to the department  
23 under par. (b) confidential and may use or allow access to that information only for  
24 the purpose of providing services under s. 48.06, 48.067, 48.069, 938.06, 938.067, or  
25 938.069. The department may allow that access regardless of whether the person

**BILL**

1 who is allowed that access is a party to or is otherwise involved in the proceedings  
2 in which the electronic records containing that information were created.

3 2. An individual who is allowed under subd. 1g., 1m., 1p., or 1r. to have access  
4 to any information transferred under par. (b) shall keep the information confidential  
5 and may use and further disclose the information only for the purpose described in  
6 subd. 1g., 1m., 1p., or 1r.

7 (d) Any person who intentionally uses or discloses information in violation of  
8 par. (c) may be required to forfeit not more than \$5,000.

9 **SECTION 19.** 938.78 (2) (a) of the statutes is amended to read:

10 938.78 (2) (a) No agency may make available for inspection or disclose the  
11 contents of any record kept or information received about an individual who is or was  
12 in its care or legal custody, except as provided under sub. (3) or s. 48.396 (3) (b) (bm)  
13 or (c) ~~1r.~~, 938.371, 938.38 (5) (b) or (d) or (5m) (d), 938.396 (2m) (c) 1r., 938.51, or  
14 938.57 (2m) or by order of the court.

15 **SECTION 20.** 938.78 (2) (h) of the statutes is amended to read:

16 938.78 (2) (h) Paragraph (a) does not prohibit the department of children and  
17 families, a county department, or a licensed child welfare agency from entering the  
18 content of any record kept or information received by that department, county  
19 department, or licensed child welfare agency into the statewide automated child  
20 welfare information system established under s. 48.47 (7g) or the department of  
21 children and families from transferring any information maintained in that system  
22 to the court under s. 48.396 (3) (~~b~~) (bm). If the department of children and families  
23 transfers that information to the court, the court and the director of state courts may  
24 allow access to that information as provided in s. 48.396 (3) (c) 2.

25 (END)



LRB-3302/4ins  
GMM.....

1 NO . This paragraph does not authorize disclosure of any information relating to  
2 the physical or mental health of an individual, including information contained in  
3 a patient health care record, as defined in s. 146.81 (4), a treatment record, as defined  
4 in s. 51.30 (1) (b), a report resulting from an examination or assessment under s.  
5 938.295, a court report under s. 938.33, or a permanency plan under s. 938.38, except  
6 with the informed consent of a person authorized to consent to that disclosure, by  
7 order of the court, or as otherwise permitted by law NO

**(END OF INSERT)**

**Godwin, Gigi**

---

**From:** Moran, Christian  
**Sent:** Monday, January 23, 2012 11:11 AM  
**To:** LRB.Legal  
**Cc:** Carpenter, Dan  
**Subject:** bill jacket request from Rep. Richards: LRB-3302-4

Please jacket LRB-3302-4 for introduction in the Assembly by Rep. Richards.

This draft relates to: the disclosure of electronic juvenile court records to other juvenile courts, municipal courts, courts of criminal jurisdiction, district attorneys and other prosecutors, and law enforcement agencies and providing a penalty.

Thanks for your help.

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